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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,236	10/21/2003	Matthias Helmstetter	TRW(ASG)6800	4934

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EXAMINER

GOODEN JR, BARRY J

ART UNIT

PAPER NUMBER

3616

DATE MAILED: 10/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/690,236

Applicant(s)

HELMSTETTER, MATTHIAS

Examiner

Barry J. Gooden Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/21/2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/19/03 & 3/15/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the feature specified in claim 1, line 5-6 and claim 9, lines 8-9, "said gas generator (16) can be fastened directly...to a vehicle steering wheel," must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The abstract of the disclosure is objected to because:

At line 2 "(10)" should be inserted after "module".

At line 4 "(100)" should be inserted after "wheel".

At line 6 "(100)" should be inserted after "wheel".

At line 7 "(10)" should be inserted after "module".

Correction is required. See MPEP § 608.01(b).

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3. The disclosure is objected to because of the following informalities:

At page 3, lines 12-14 are unclear. Examiner suggests removing ", which gap impairs the visual appearance of the steering wheel" from lines 13-14 and inserting ", which impairs the visual appearance of the steering wheel," after "gap" and before "formed between" on line 12.

At page 3, line 21 "the" should be inserted after "movable in".

At page 4, line 13 "12" should be inserted after "carrier".

At page 4, lines 17, 19, and 21 "100" should be inserted after "wheel".

At page 4, line 20 "20" should be inserted after "elements".

At page 4, line 20 "10" should be inserted after "module".

At page 4, line 24 "22" should be inserted after "rim".

At page 5, line 6 "100" should be inserted after "wheel".

At page 5, lines 13 and 22 "12" should be inserted after "carrier".

At page 5, line 25 "32" should be inserted after "coating".

At page 6, line 3 "30" should be inserted after "component".

At page 6, line 3 "32" should be inserted after "coating".

At page 7, lines 2, 10, 14, 16, 18, and 21 "(10) " should be inserted after "module".

At page 7, line 6 "(100) " should be inserted after "wheel".

At page 7, line 24 "(12) " should be inserted after "carrier".

At page 8, lines 1, 4, 6 and 17 "(10) " should be inserted after "module".

At page 8, lines 6, 9, and 16 "(100) " should be inserted after "wheel".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

And

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Worrell et al., US Patent 5,380,037.

In regards to claims 1, 2, and 4 Worrell et al. clearly shows a gas bag module (12) comprised of a gas generator (16) and a generator carrier (14 and 18) to which the gas generator (16) is fastened. The generator carrier (14 and 18) having a base section (14) with detent elements (24), formed thereon, via which the generator carrier (14 and 18) and indirectly the gas generator (16) are fastened to the steering wheel (10). The generator carrier (14 and 18) consisting at least partially of a multiple-component plastic (18 and 20), the components defining different layers, a carrier material (18) and a coating (20).

6. Claims 1-5 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Schütz, US Patent 6,688,638.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

In regards to claims 1-5 and 7, Shütz clearly shows a gas bag module (12) comprised of a gas generator (24) and a generator carrier (22) to which a gas generator (24) is fastened. The generator carrier (22) having a base section (23) with detent elements (30) via which the generator carrier (22) and indirectly the gas generator (24) are fastened to the steering wheel (10, 14, 16, 18, and 20). The detent

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elements (30) consisting of at least partially multiple-component plastic (30 and 42) where the multiple-component plastic consists of a carrier material (30) and a coating (42); as seen in column 3, lines 52-60. The Examiner notes that plastics are commonly used as insulating materials. The generator carrier (22) comprised of a cup-shaped (22; column 2, line 30) construction with a depression, having a base (23), wherein the gas generator (24) is arranged (Figure 1). The depression having an edge with at least one section formed thereon so as to project laterally, seen in Figure 1 above the spring elements (56).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being obvious over Schütz, US Patent 6,688,638, in view of Rumpf, US Patent 6,849,816.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See

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MPEP § 706.02(I)(1) and § 706.02(I)(2). Such a modification would facilitate ease of installation and increase manufacturability.

In regards to claim 6, Schütz shows the claimed invention except for the cap portion, which is inserted within the depression such that the covering cap closes the generator carrier externally. Rumpf teaches that it is known to insert a cap portion (8) within a depression of the generator carrier (114) such that the cap (8) closes the generator (112) externally. It would have been obvious to modify the apparatus as claimed by Schütz to include a cap portion as taught by Rumpf to increase manufacturability and facilitate easier installation.

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schütz, US Patent 6,688,638, in view of Rumpf, US Patent 6,849,816 as applied to claim 6 above, and further in view of Worrell et al., US Patent 5,380,037.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2). Such a modification would increase the outward appearance and feel.

In regards to claim 8, Schütz shows the claimed invention except for the projecting section consisting of a multiple-component plastic. Worrell et al. teach the use of a multiple-component plastic

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(18, 20). It would have been obvious to modify the apparatus as claimed by Schütz and modified by Rumpf to include a multiple-component plastic as taught by Worrell et al. so as to increase the outward appearance and feel.

10. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being obvious over Rumpf, US Patent 6,849,816, in view of Worrell et al., US Patent 5,380,037.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2). Such a modification would increase the outward appearance and feel.

In regards to claims 9 and 10, Rumpf clearly shows the claimed invention including a steering wheel (122) with a gas bag module (110) comprised of a gas generator (112) and a generator carrier (114) to which a gas generator (112) is fastened (113) and via which the generator is indirectly connected to the vehicle steering wheel (122) through a displaceable mount, seen in Figure 1 surrounded by a spring (118). The generator carrier (114) being cup shaped and having a base section with detent elements, seen in Figure 1 surrounded by a spring (118) via which the generator carrier (114) is fastened to the steering wheel (122). The generator carrier (114) also having a projecting section (120, 4) being formed on an edge of the recess, characterized in that the projecting section (120, 4) forms a part of the

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surface of the steering wheel (122) which is visible from the exterior. Rumpf clearly shows the invention as claimed except for the generator carrier consisting at least partially of a multiple-component plastic. Worrell et al. teach the use of a generator carrier (14 and 18) consisting at least partially of a multi-component plastic (18 and 20). It would have been obvious to modify the apparatus as claimed by Rumpf with the teachings of Worrell et al. so as to provide a soft outer cover that increases the outward appearance and feel of the steering wheel with gas bag module.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ulbrich et al., US Patent 6,354,622 B1, Persson et al., US Patent 5,685,557, Fischer, US Patent 5,899,487, Suzuki, US Patent 5,235,146, Manabe, US Patent 5,431,438, Hasebe, US Patent 6,422,594 B2 and Höhne et al., US Patent 6,942,246 B2 all disclose similar inventions.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry J. Gooden Jr. whose telephone number is (571) 272-5135. The examiner can normally be reached on Monday-Friday 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Barry J Gooden Jr.
Examiner
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PRIMARY EXAMINER